



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

SULLIVAN REPORTING COMPANY, by  
Auhdikiam Carney, CSR  
License No. 084-004658

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-direct</u>	<u>Re-cross</u>	<u>By Examiner</u>
None.					

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
None.		

1 JUDGE RILEY: Pursuant to the direction of the  
2 Illinois Commerce Commission, I call Docket  
3 No. 12-0223. This is a complaint by Stuart Smetters  
4 versus Commonwealth Edison Company and Integrys  
5 Energy Services, Inc., as to billing/charges in  
6 Mundelein, Illinois.

7 Mr. Smetters, you are here appearing  
8 without counsel at this time; is that correct?

9 MR. STUART SMETTERS: Correct.

10 JUDGE RILEY: Just to advise you, you can have  
11 counsel appear on your behalf anytime you so choose,  
12 however, they would have to take the record as it's  
13 been developed. We never go back all the way to the  
14 start.

15 MR. STUART SMETTERS: Correct. Unfortunately I  
16 cannot afford counsel.

17 JUDGE RILEY: That's understood.

18 Mr. Goldstein, would you enter an  
19 appearance for ComEd.

20 MR. GOLDSTEIN: On behalf of Commonwealth  
21 Edison Company and Integrys Energy Services, Inc.,  
22 Mark L. Goldstein, 3019 Province Circle, Mundelein,

1 Illinois 60060. My telephone number is (847)  
2 949-1340.

3 MR. PERKINS: On behalf of Commonwealth Edison  
4 Company, Brad Perkins, 10 South Dearborn Street,  
5 Suite 4900, Chicago, Illinois 60603. My telephone  
6 number is (312) 394-2632.

7 JUDGE RILEY: Thank you.

8 MR. GOLDSTEIN: I would also like to enter the  
9 appearance of Erin Buechler on behalf of Commonwealth  
10 Edison.

11 JUDGE RILEY: Okay.

12 Mr. Smetters, going through your  
13 complaint, it seems to me that you at one time had  
14 service through Integrys, and was Commonwealth Edison  
15 the billing agent for them?

16 MR. STUART SMETTERS: No. Actually what had  
17 happened was is I had them with North Shore Gas  
18 Company and I had Integrys as my gas supplier.

19 JUDGE RILEY: All right.

20 MR. STUART SMETTERS: Now, we went through a  
21 very hard winter. Right now I go through a  
22 tremendous amount of discrimination in the city of

1     Mundelein where employment is concerned, so I am  
2     unemployed.

3             JUDGE RILEY:   All right.

4             MR. STUART SMETTERS:   And I do mean a  
5     tremendous amount.

6             JUDGE RILEY:   Well, okay.

7             MR. STUART SMETTERS:   Anyway, we came out of  
8     Winter into March.   We had contacted Peoples Gas for  
9     a short term payment plan, which is allowed by the  
10    State of Illinois Commerce Commission.   And they had  
11    agreed to it, put us on a payment plan, and we paid  
12    the deposit.   Immediately afterwards Integrys started  
13    screaming bloody murder about the fact that we were  
14    paying North Shore Gas this money, and they weren't  
15    receiving it from North Shore and actually started a  
16    fight between us and North Shore.   I was constantly  
17    on the phone every other day between them and North  
18    Shore.   This went on almost every month.

19            After we paid all four payments and we  
20    were now caught up and paid in full, now Integrys  
21    contacted North Shore Gas and demanded that we be  
22    shut off.   North Shore Gas right now is sending me

1 letters to this date, in fact, the actual copy from  
2 Integrys requiring that they shut me off.  
3 Integrys -- I had -- because I had some decent --  
4 what I felt was decent business with Integrys up  
5 until February -- when Integrys contacted me about  
6 joining with their electric company, yes, I had agree  
7 to it. They were not supposed to start operations  
8 until the 3rd of April.

9                   When they started causing these  
10 problems with me and the gas company, I realized they  
11 would get total control of my house, so I contacted  
12 them immediately and said forget it. I've got the  
13 telephone numbers here that I called for them. I  
14 also called Commonwealth Edison and told them at the  
15 same time to cease any business with Integrys. I was  
16 not authorizing them.

17           JUDGE RILEY: All right.

18           MR. STUART SMETTERS: I do have that right to  
19 do so as long as they had not connected the power as  
20 of yet.

21           JUDGE RILEY: So you had a prior dispute with  
22 Integrys with regard to gas service?

1           MR. STUART SMETTERS:  Correct, which was  
2   happening at the exact same time.

3           JUDGE RILEY:  And you're saying that after you  
4   had agreed to electric service with Integrys, you  
5   thought that somehow the prior dispute had spilled  
6   over?

7           MR. STUART SMETTERS:  I didn't want to take a  
8   chance because it was the same company.

9           JUDGE RILEY:  Now, did you sign a contract with  
10   Integrys or with Commonwealth Edison?

11          MR. STUART SMETTERS:  Strictly over the phone.

12          JUDGE RILEY:  With whom?

13          MR. STUART SMETTERS:  Over the phone.

14          JUDGE RILEY:  All right.

15          MR. STUART SMETTERS:  And I also -- like I  
16   said, I called both the cancelation number -- I  
17   called both Integrys and then I called the  
18   cancelation number at Commonwealth Edison and  
19   canceled Integrys before they were even hooked up.

20          JUDGE RILEY:  Okay.  And are you now being  
21   billed by Integrys?

22          MR. STUART SMETTERS:  They kept right on



1     billing me with Commonwealth Edison anyways right on  
2     through -- all the way into August, September and  
3     through January. In fact, I had to have you guys  
4     assist --

5             JUDGE RILEY: So essentially what you're saying  
6     is that you called Integrys to cancel the service and  
7     they have not canceled the service. They're still  
8     providing your electricity --

9             MR. STUART SMETTERS: Not anymore; but at that  
10    point, yes, they were.

11            JUDGE RILEY: And how much do they want from  
12    you?

13            MR. STUART SMETTERS: They've actually gone --  
14    I've actually gotten to the point where I do not know  
15    anymore. I've asked Commonwealth Edison to please  
16    cease with the billing. They've added interest on  
17    top of theirs plus late charges on a regular basis.

18            JUDGE RILEY: How long were you actually being  
19    supplied electricity by Integrys?

20            MR. STUART SMETTERS: From April until --

21            JUDGE RILEY: April of when? What year?

22            MR. STUART SMETTERS: 2011.

1 JUDGE RILEY: Okay.

2 MR. STUART SMETTERS: Through -- finally into  
3 September --

4 JUDGE RILEY: From April through September of  
5 2011?

6 MR. STUART SMETTERS: -- September, October  
7 thereabout.

8 JUDGE RILEY: And is this matter in the hands  
9 of a collection agency now?

10 MR. STUART SMETTERS: Commonwealth Edison.  
11 They have become the collection agency.

12 JUDGE RILEY: Well, what's the latest  
13 documentation you have from Commonwealth Edison as to  
14 the amount owed?

15 MR. STUART SMETTERS: Right now I'm just  
16 touching over \$1,000. At that time, it was close to  
17 \$500, \$600 I was owing Integrys.

18 JUDGE RILEY: So Commonwealth Edison is now  
19 supplying your electricity?

20 MR. STUART SMETTERS: Correct.

21 JUDGE RILEY: So what they're trying to do --  
22 it seems to me then is that they're trying collect

1     the amount you owe Integrys -- what Integrys alleges  
2     you owe them, plus ComEd's own --

3             MR. STUART SMETTERS:   Correct.   Plus interest,  
4     plus late fees.

5             JUDGE RILEY:   Mr. Goldstein, what's Integrys'  
6     response to this?

7             MR. GOLDSTEIN:   With respect to Integrys, all  
8     that Mr. Smetters has been charged is a \$50  
9     termination fee based upon his agreement with  
10    Integrys.   And as of right now, there's a zero  
11    balance on his account with respect to Integrys.   I  
12    have no clue in the world why Integrys is part of the  
13    complaint.

14            MR. STUART SMETTERS:   Because you did not take  
15    Integrys off.   In fact, I have statements --

16            MR. GOLDSTEIN:   And that's where it stands.  
17    There's a zero balance as of November 28th, 2011,  
18    well before Mr. Smetters filed his complaint here.

19            MR. STUART SMETTERS:   No, they did not take it  
20    off.   In fact, I made my complaints to Ken Kirchner  
21    here at the Illinois Commerce Building.   He issued  
22    statements to them to cease beginning in October --

1     actually he started earlier than that.

2                     And then in November they started  
3     making statements that I was satisfied with their  
4     communications and I was not satisfied. They made  
5     statements to the ICC that were not true. Not only  
6     did they do so, but they committed perjury as well.

7             MR. GOLDSTEIN: Mr. Smetters, under the terms  
8     of his agreement with Integrys, if he were to cancel,  
9     there was a \$100 termination fee. That fee was  
10    reduced to \$50. Mr. Smetters paid the \$50. There is  
11    a zero balance --

12            MR. STUART SMETTERS: No, I would not pay  
13    Integrys.

14            MR. GOLDSTEIN: -- and the other \$50 was  
15    refunded back and he's done.

16            JUDGE RILEY: In other words, what Integrys'  
17    record show is that they are satisfied -- that the  
18    amount was satisfied, the amount was paid, and that  
19    he has a zero balance with Integrys. That's what  
20    their records show, so everything else is with  
21    Commonwealth Edison.

22            MR. GOLDSTEIN: Correct.

1           MR. STUART SMETTERS: No, sir, there is not.  
2       In fact, I kept receiving a bill with Integrys on the  
3       Commonwealth Edison bills.  
4           MR. GOLDSTEIN: Do you have your current bill?  
5           MR. STUART SMETTERS: Current bill, yes. The  
6       current bill it's off, but past bills --  
7           MR. GOLDSTEIN: Well, That's exactly my point.  
8           MR. STUART SMETTERS: And once more is, I  
9       canceled them before they even hooked up. So they  
10      had no authority to request anything at all,  
11      especially considered it was result of a criminal act  
12      underpart.  
13                        Here's the current bill. You are  
14      correct, the previous balance of \$578.65 is from  
15      Integrys.  
16           JUDGE RILEY: Let me see that.  
17           MR. STUART SMETTERS: This one doesn't exactly  
18      say it, however, you kept on putting them on there in  
19      the line as to who was supplying and you didn't  
20      remove them until that bill.  
21           MR. GOLDSTEIN: I don't believe that Integrys  
22      ever supplied Mr. Smetters with any electricity.

1     That bill is a ComEd bill.  If there's any money owed  
2     on the account it's through ComEd.

3             JUDGE RILEY:  Let the record reflect that it is  
4     a bill from ComEd with a particular account number,  
5     the name, Stuart Smetters.  I don't see any reference  
6     to Integrys on here, unless I missed something on the  
7     reverse side.

8             MR. GOLDSTEIN:  No.

9             MR. STUART SMETTERS:  They switched it from  
10    Integrys to Electric Supply Services.  Electric  
11    Supply Services you'll notice turned out to be just a  
12    month.

13            MR. GOLDSTEIN:  I just don't see it.  Can we  
14    take a short recess, perhaps --

15            MR. STUART SMETTERS:  It says here, I may  
16    rescind my agreement with Integrys or cancel pending  
17    enrollment within 10 calendar days after ComEd  
18    processes the enrollment.  They were called before  
19    they even hooked up.

20            JUDGE RILEY:  Okay.

21                         Mr. Goldstein, you asked for a brief  
22    recess?

1           MR. GOLDSTEIN:  Yes.  We might have to get  
2   Ms. Buechler whose got more information on the ComEd  
3   side of the bill.  Let me go get her.

4                               (Whereupon, a recess was taken.)

5           JUDGE RILEY:  Mr. Goldstein, you conferred with  
6   your colleague?

7           MR. GOLDSTEIN:  Yes.  I think Mr. Perkins can  
8   take over.

9           MR. PERKINS:  So Commonwealth Edison's records  
10   indicate that he enrolled with -- Mr. Smetters,  
11   enrolled in RES service with Integrys on June 13th,  
12   2011.  He subsequently asked to be removed from RES  
13   service on July 11th, 2011, which was after the five  
14   days to withdraw from service without having it show  
15   up on the bill.  And so there was one bill -- it is  
16   ComEd's understanding that there was one bill that  
17   Integrys would show up as the supplier of  
18   electricity.  The remainder of the outstanding  
19   balance, it's our understanding, is related to past  
20   service that just wasn't paid.

21           JUDGE RILEY:  And is it my understanding that  
22   Mr. Goldstein was correct earlier that the balance

1 with Integrys has been zeroed out, that all moneys  
2 have been paid?

3 MR. GOLDSTEIN: There was a \$50 fee that was  
4 required for termination of the service. That fee  
5 was paid.

6 MR. STUART SMETTERS: Integrys was  
7 authorized --

8 MR. GOLDSTEIN: Can I finish, sir.

9 MR. STUART SMETTERS: My apologies.

10 MR. GOLDSTEIN: So with that, there's a zero  
11 balance as between Mr. Smetters and Integrys, and  
12 whatever is owed is owed to Commonwealth Edison for  
13 electric service.

14 JUDGE RILEY: And what it comes down to is just  
15 usage, fees, taxes?

16 MR. PERKINS: Yep.

17 JUDGE RILEY: Mr. Smetters, having heard that,  
18 what's your response?

19 MR. STUART SMETTERS: You're way off. Integrys  
20 was authorized in February -- at the end of  
21 February --

22 JUDGE RILEY: This year?



1           MR. STUART SMETTERS:   No, 2011.

2                   They advised me they would be starting  
3   service on April 3rd, 2011.   They were contacted  
4   before they were given -- the date in June that he's  
5   talking about is the same time as Integrys now tried  
6   to cancel the gas company not -- in which case I had  
7   to constantly remind Commonwealth Edison on a regular  
8   basis from March, April, May, June and then every  
9   single month afterwards at the beginning of the  
10  month.   In fact, I've got attempts to contact  
11  Commonwealth Edison, in which case I had to spend  
12  well over an hour, two hours on the phone --

13           JUDGE RILEY:   What were you contacting  
14  Commonwealth Edison about?

15           MR. STUART SMETTERS:   To leave Integrys off the  
16  bill.   They were on a regular basis.

17           JUDGE RILEY:   And Integrys was out of the  
18  picture as of July?

19           MR. STUART SMETTERS:   They were not out of the  
20  picture.

21           JUDGE RILEY:   Mr. Perkins what's your --

22           MR. STUART SMETTERS:   In fact, I had to get Ken

1     Kirchner involved in it starting with them and their  
2     involvement with North Shore Gas.

3             JUDGE RILEY:   How long do you contend that  
4     Integrays was providing you with electricity?

5             MR. STUART SMETTERS:   All the way from the  
6     beginning of April all the way through October.

7             JUDGE RILEY:   Mr. Perkins, is that square with  
8     your records?

9             MR. PERKINS:   No.   Our records indicate that he  
10    returned the bundled service on July 11th, 2011.   So  
11    there may be a July bill that reflects Integrays  
12    depending on the billing cycle, maybe even August,  
13    presumably not, we'd have to look.

14            JUDGE RILEY:   But he ceased service with  
15    Integrays in July of 2011 and all electricity was --

16            MR. PERKINS:   All bundled service would have  
17    come from Commonwealth Edison at that time.

18            MR. GOLDSTEIN:   I think that Mr. Smetters ought  
19    to produce the bills from -- he says that he had  
20    service from Integrays in March of 2011 --

21            MR. STUART SMETTERS:   Not a problem.   I still  
22    have them right now.   I can bring them in.

1 JUDGE RILEY: Okay. We understand that.

2 MR. GOLDSTEIN: The records show, as

3 Mr. Perkins has stated, that Mr. Smetters enrolled

4 with Integrys to provide electric service on June

5 11th.

6 JUDGE RILEY: All right.

7 MR. GOLDSTEIN: June 13th -- I'm sorry.

8 MR. STUART SMETTERS: On June 13th?

9 MR. GOLDSTEIN: Yes.

10 MR. STUART SMETTERS: On June 13th?

11 JUDGE RILEY: Of 2011.

12 MR. GOLDSTEIN: Of 2011.

13 MR. STUART SMETTERS: That sounds like fun. I

14 was in Rush Hospital from June 6th until the 21st.

15 MR. GOLDSTEIN: Okay. Whatever.

16 MR. STUART SMETTERS: I had a Kidney being

17 removed as well as a rib.

18 JUDGE RILEY: Ms. Goldstein is just speaking

19 from what the records show.

20 MR. STUART SMETTERS: Well, the records are way

21 off because I had to be -- somehow or another I used

22 ESP to authorize Integrys then.

1 JUDGE RILEY: Why don't we do this -- we're  
2 kind of at an impasse here. You insist that you have  
3 records that are contrary to what Commonwealth  
4 Edison's record show.

5 MR. STUART SMETTERS: I can't produce them  
6 right now.

7 JUDGE RILEY: Can you send copies of those  
8 bills that you have showing --

9 MR. STUART SMETTERS: I will get them and I  
10 will share them.

11 JUDGE RILEY: -- showing Integrys -- can you  
12 get copies of those to Mr. Goldstein?

13 MR. STUART SMETTERS: Yes.

14 MR. GOLDSTEIN: And I'll provide them to  
15 Mr. Perkins, too, if you get them to me.

16 MR. STUART SMETTERS: Not a problem.

17 JUDGE RILEY: Okay. Why don't we leave it at  
18 that then for the time being. I'll give this one  
19 more status. And I'll I've give you a chance to get  
20 copies of those statements, Mr. Smetters.

21 MR. STUART SMETTERS: Can I have verification  
22 of the statement that he made that I supposedly

1       started service with Integrys in June?

2               MR. GOLDSTEIN:   Yes, sir.

3               MR. STUART SMETTERS:   This is going to be fun.

4               MR. GOLDSTEIN:   That's what ComEd's records  
5       show.

6               MR. PERKINS:    So what we've provided you is a  
7       copy of Commonwealth Edison's customer records for  
8       Mr. Smetters.

9               MR. GOLDSTEIN:   And I do have something from  
10       Integrys that shows that on July 13th, which pretty  
11       much matches up with ComEd's records, that the  
12       termination fee was liquidated.

13              MR. STUART SMETTERS:   I will also give you Rush  
14       University as well as I will get the records from  
15       Blue Cross Blue Shield as well as the records from  
16       Public Systems.   You will find that there's no way in  
17       the world I could have authorized it at that time  
18       because I was in a hospital bed having surgery.

19              JUDGE RILEY:   We'll set a date to reconvene  
20       then.

21                               Do you have any time available in May?

22              MR. GOLDSTEIN:   No.   As you know, Judge, almost

1 half the month is taken up with the NATO Summit  
2 stuff.

3 JUDGE RILEY: That's understood. We're well  
4 past that.

5 MR. GOLDSTEIN: And so there's just no chance  
6 to do it the rest of the month.

7 JUDGE RILEY: When do we want to revisit this,  
8 obviously in June?

9 MR. GOLDSTEIN: How about June 19th in the  
10 afternoon?

11 JUDGE RILEY: June 19th? That should give you  
12 plenty of times to get your records together.

13 MR. STUART SMETTERS: Easily. Can I borrow one  
14 of these?

15 JUDGE RILEY: Sure. You'll get a formal notice  
16 of this from the Chief Clerk's Office. They will  
17 send you a confirmation of the date and the time.

18 MR. STUART SMETTERS: Okay.

19 JUDGE RILEY: June 19th, at 11:00 a.m. or did  
20 you say the afternoon?

21 MR. GOLDSTEIN: 1:00 o'clock, Judge?

22 MR. STUART SMETTERS: 11:00 would be far

1 superior because right now --

2 MR. GOLDSTEIN: I have a trial at 11:00. Could  
3 we do it June 20th at 11:00 then?

4 JUDGE RILEY: June 20th?

5 MR. GOLDSTEIN: Is that okay with you?

6 MR. STUART SMETTERS: Yes. I do run very close  
7 because I had to use the bike and the train.

8 JUDGE RILEY: That will be for status, so,  
9 again, we will not be at the evidentiary stage of the  
10 proceeding. It's just going to be to discuss the  
11 documentation that you're going to submit to  
12 Mr. Goldstein. And he will see if he can square what  
13 you give him with ComEd's records and with  
14 Mr. Perkins' records and see what resolution there  
15 might be.

16 So anyway -- and, as I said, I'll have  
17 the Chief Clerk's Office send out a formal note to  
18 you and to all the parties of the date and time, and  
19 we'll plan to reconvene on June 20th, at 11:00 a.m.

20 MR. GOLDSTEIN: Thank you, Judge.

21 MR. PERKINS: Thank you, Judge.

22

1 (Whereupon, the above-entitled  
2 matter was continued to June  
3 20, 2011, at 11:00 a.m.)  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22